

REMARKS

This Amendment is filed in response to the Final Office Action dated November 29, 2005. For the following reasons this application should be allowed and the case passed to issue. No new matter is introduced by this Amendment. The amendment to claim 1 is supported by Figures 1 and 3 and the accompanying portions of the specification. Figures 1 and 3 clearly show first well 2a spaced apart from second well 2b.

Claims 1-11 are pending in this application. Claims 1 and 2 have been rejected. Claims 3-11 have been withdrawn pursuant to an election of species requirement. Claim 1 has been amended in this response.

Election of Species

Upon the allowance of a claim, Applicants respectfully request consideration and allowance of withdrawn claims 3-11 in accordance with 37 C. F. R. § 1.141.

Claim Rejections Under 35 U.S.C. § 102

Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as being anticipated by Chang (U.S. Patent No. 5,761,121). This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested. The following is a comparison between the invention, as claimed, and the cited prior art.

An aspect of the present invention, per claim 1, is a nonvolatile semiconductor memory device comprising a semiconductor substrate having a main surface. A first well and a second well spaced apart from the first well are both formed at the semiconductor substrate. A pair of p-type impurity diffused regions are formed at the first well to serve as source/drain. A floating gate is formed on a region of the semiconductor substrate lying between the paired p-type impurity diffused regions with a tunnel insulating layer interposed between the floating gate and

the semiconductor substrate. An impurity diffused control region is formed at the second well to control a potential of the floating gate.

The Examiner asserted that Chang (Figs. 21 and 22) discloses a non-volatile semiconductor memory device comprising a semiconductor substrate (314), a first well (312), a second well (330), a pair of p-type impurity diffused regions (320, 322), a floating gate (326), tunnel insulating layer, and an impurity diffused control region (332). As regards claim 2, the Examiner asserted that p-type control regions (36) are known, as taught in Fig 2.

Chang does not anticipate the claimed nonvolatile semiconductor memory device because Chang does not disclose the second well spaced apart from the first well, as required by claim 1. As clearly illustrated in Fig. 22A and 22B, the Examiner-asserted first well 312 and second well 330 are in contact, and not spaced apart, as required by claim 1.

Because the first well and the second well are spaced apart the voltage applied to the p-type impurity diffused region and the voltage applied to the impurity diffused control region can be controlled in a separate and independent manner. Referring to Table 1 on page 7 of the instant specification, the voltage applied to the n-type well region 2a corresponding to the first well of claim 1 is different from the voltage applied to n-type region 2b corresponding to the second well region of claim 1. Because n-well 312 and p-type diffusion region 330 of Chang contact each other (Fig. 22A) the voltage applied to n-well 312 and p-type diffusion region 330 cannot be controlled in a separate and independent manner.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the disclosure in a single reference of each element of a claimed invention. *Helifix Ltd. v. Blok-Lok Ltd.*, 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994); *Hoover Group, Inc. v.*

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Custom Metalcraft, Inc., 66 F.3d 399, 36 USPQ2d 1101 (Fed. Cir. 1995); *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). Because Chang does not disclose the second well spaced apart from the first well, as required by claim 1, Chang does not anticipate claim 1.

Applicants further submit that Chang does not suggest the claimed nonvolatile semiconductor memory device.

The dependent claims are allowable for at least the same reasons as claim 1 and further distinguish the claimed invention. For example, claim 2 further requires that the impurity diffused control region is of p-conductivity type and faces the floating gate with an insulating layer interposed therebetween. Though p-type control regions may be known, Chang does not suggest a nonvolatile semiconductor memory device with the claimed structure.

In light of the above Amendment and Remarks, this application should be allowed and the case passed to issue. If there are any questions regarding these remarks or the application in general, a telephone call to the undersigned would be appreciated to expedite prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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